

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

CHRISTOPHER BRIAN SANDS, :

Plaintiff, :

v. :

Civ. No. 19-2151-CFC

WARDEN DANA METZGER, et al., :

Defendants. :

**ORDER**

WHEREAS, Christopher Brian Sands was a prisoner incarcerated at James T. Vaughn Correctional Center in Smyrna, Delaware, at the time he filed his civil rights complaint, along with an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915;

WHEREAS, on November 21, 2019, the Court granted Plaintiff leave to proceed *in forma pauperis* and assessed a \$350.00 filing fee of (D.I. 6);

WHEREAS, on May 27, 2021, the Court was advised Plaintiff had been released from prison (see D.I. 16);

WHEREAS, under the Prison Litigation Reform Act, release does not eliminate the obligation of payment of a filing fee that could and should have been met from the trust account while imprisonment continued. *Robbins v. Switzer*, 104 F.3d 895, 899 (7<sup>th</sup> Cir. 1997); see also *Drayer v. Attorney General*, 81 F. App'x 429 (3d Cir. 2003).

WHEREAS, on June 3, 2021, the Court entered an Order for Plaintiff, within 21 days from the date of the Order, to either file a standard form application to proceed

without prepayment of fees and affidavit so that the court may determine whether he is still eligible to proceed without prepayment of the balance of the \$350.00 filing fee or pay the balance of the filing fee owed;

WHEREAS, the time has lapsed, and Plaintiff has not complied with the Court's June 3, 2021 Order;

THEREFORE, at Wilmington this 13<sup>th</sup> day of July 2021, IT IS HEREBY ORDERED that:

1. The Complaint is **DISMISSED** without prejudice for failure to comply with the Court's June 3, 2021 Order.
2. The Clerk of Court is directed to **CLOSE** the case.

  
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UNITED STATES DISTRICT JUDGE